

## REMARKS

This amendment is responsive to the "NOTICE OF DEFECTIVE RESPONSE" dated April 22, 2008.

The "NOTICE OF DEFECTIVE RESPONSE" stated that the SEQUENCE LISTING filed with the preliminary amendment on September 17, 2007 did not comply with the requirements of 37 CFR 1.822 and/or 1.823. In other words, the SEQUENCE LISTING contained errors of format and substance that were detected when the SEQUENCE CHECKER program was used to check the computer readable form (CRF) of the SEQUENCE LISTING that was filed with the preliminary amendment.

The sequence checker program was downloaded from the US Patent Office website and used to check and edit the defective SEQUENCE LISTING filed on September 17, 2007. The errors, which included incorrect designation of the length of individual sequences and incorrect symbols for amino acids, were corrected. The sequence checker program indicated that the edited SEQUENCE LISTING appended below contained no errors and no warnings.

In addition to the written SEQUENCE LISTING appended below a sequence listing has been prepared on a floppy disk (i.e. a computer readable form) and e-filed along with this amendment in accordance with 37 CFR 1.821.

The "free text" recited in the aa sequences under <223> is supported by the disclosure in the originally filed specification on page 3, lines 34 to 37.

## STATEMENTS REQUIRED BY 37 CFR 1.821 to 1.825

The computer readable SEQUENCE LISTING (**CRF**) that has been filed along with the written SEQUENCE LISTING and the present amendment **is warranted to be the same as the written copy** of the SEQUENCE LISTING accompanying this amendment.

The appended written SEQUENCE LISTING is warranted to contain no new matter.

Should the Examiner require or consider it advisable that the specification, claims and/or drawing be further amended or corrected in formal respects to put this case in condition for final allowance, then it is requested that such amendments or corrections be carried out by Examiner's Amendment and the case passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing the case to allowance, he or she is invited to telephone the undersigned at 1-631-549-4700.

In view of the foregoing, favorable allowance is respectfully solicited.

Respectfully submitted,



Michael J. Striker,

Attorney for the Applicants

Reg. No. 27,233



# UNITED STATES PATENT AND TRADEMARK OFFICE

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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/580,744	Helga Rothe	3710
Michael J Striker STRIKER STRIKER & STENBY 103 East Neck Road Huntington, NY 11743		INTERNATIONAL APPLICATION NO. PCT/EP04/12768
		I.A. FILING DATE      PRIORITY DATE 11/11/2004      11/28/2003

**CONFIRMATION NO. 6447**  
**371 FORMALITIES LETTER**



\*OC000000029481985\*

Date Mailed: 04/22/2008

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 05/26/2006
- English Translation of the IA filed on 05/26/2006
- Copy of the International Search Report filed on 05/26/2006
- Preliminary Amendments filed on 05/26/2006
- Information Disclosure Statements filed on 02/16/2007
- Biochemical Sequence Diskette filed on 09/17/2007
- Oath or Declaration filed on 02/16/2007
- Biochemical Sequence Listing filed on 09/17/2007
- Request for Immediate Examination filed on 05/26/2006
- U.S. Basic National Fees filed on 05/26/2006
- Priority Documents filed on 05/26/2006

Applicant's response filed 09/17/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/09/2007 have not been completed.

- The paper or compact disc copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e). Applicant must provide a substitute paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application OR a substitute computer readable form (CRF) copy of the "Sequence Listing"**. These two items must be the same. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Refer to attachment or PAIR document dated 04/18/08.
- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc)

sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Refer to attachment or PAIR document dated 04/18/08.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

DONNA S GREENE

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